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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/758,155	01/12/2001	Masahiro Kazayama	0649-0770P	8919
2292	7590	01/06/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			HUNG, YUBIN	
			ART UNIT	PAPER NUMBER
			2625	

DATE MAILED: 01/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/758,155	<b>Applicant(s)</b> KAZAYAMA ET AL.	
	<b>Examiner</b> Yubin Hung	<b>Art Unit</b> 2625	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 November 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-9 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 28, 2004 has been entered.

### ***Response to Arguments***

2. This action is in response to amendment filed October 28, 2004.
3. Claims 1-9 are still pending.
4. Applicant's arguments (see P. 6, 2<sup>nd</sup> paragraph through p. 7, 3<sup>rd</sup> paragraph of the amendment filed 10/28/04) with respect to the rejections of amended claims 1, 6, 7 and 9 under 35 USC § 103 have been fully considered and are persuasive. Therefore, the rejections have been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Koto (US 6,463,101) and Hurst (US 6,771,825), see the 35 USC § 102 rejections below.

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5. Applicant's arguments the allowability of claims 2, 4, 5 and 8 (see the last two paragraphs of p. 7 and p. 8) are based on their dependency of their respective parent claims (claims 1 and 7). Since new grounds for the rejections of claims 1 and 7 have been found, these arguments are moot and the rejections of claims 2, 4, 5 and 8 are maintained. See the 35 USC § 103 rejections below.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 6, 7 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Koto (US 6,463,101).

8. Regarding claim 1, similarly for claims 7 and 9, Koto discloses

- an encoding preprocessing portion for extracting the amount of image feature from a moving image not encoded and sorting each of frames constructing the moving image in order of the encoding, wherein the amount of image feature is extracted on an inter-frame basis [Fig. 2, refs. 11 (sorting) & 24 (preprocessing); Col. 4, line 64 - Col. 5, line 5; Col. 6, lines 13-16. Note that it is well known in the art that scene change detection is based on inter-frame features]
- a control portion for setting **inter-frame** encoding parameters based on the amount of image feature extracted in the encoding preprocessing portion extracted in the encoding preprocessing portion

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[Fig. 2, refs. 11, 23 (control) & 24; Col. 5, line 47 - Col. 6, line 4; Col. 6, lines 13-16. Note that the GOP structure is an inter-frame parameter]

- an encoding portion for encoding the moving image whose frames are sorted by the encoding preprocessing portion, based on the encoding parameters from the control portion  
[Fig. 2, refs. 12-22]

9. Regarding claim 6, Koto further discloses

- divides each of the frames constructing the moving image into a plurality of regions and obtains the amount of image feature for each of the plurality of regions  
[Col. 5, lines 5-7]

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 2, 4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koto (US 6,463,101) as applied to claims 1, 6, 7 and 9 above, and further in view of Fernando et al. (International Conference on Image Processing, Vol. 3, 24-28 Oct. 1999, pp. 299-303) and Hurst (US 6,771,825).

12. Regarding claims 2 (and similarly claim 8) and claim 4, Koto discloses all limitations of its parent, claim 1.

Koto does not expressly disclose

- (claim 2) the encoding preprocessing portion extracts the amount of image feature for detecting a dissolve interval from the moving image not encoded
- (claim 2) the control portion changes settings of the encoding parameters within the dissolve interval and without the dissolve interval based on the amount of image feature extracted in the encoding preprocessing portion
- (claim 4) the control portion obtains a linear differential value and a quadratic differential value of the amount of image feature acquired from the encoding preprocessing portion and determines whether there is the dissolve interval or not according to the linear differential value and the quadratic differential value

However, Hurst teaches the detection of a dissolve interval [Col. 3, lines 2-3] and to code the frames inside and outside the dissolve interval differently [Col. 2, lines 30-44]. In addition, Fernando further teaches the detection of dissolve using features comprising the 1<sup>st</sup> derivative (i.e., linear differential value) and the 2<sup>nd</sup> derivative (i.e., quadratic differential value) of the variance (another image feature) of an image frame [P. 300, Sect. 3.1, lines 1-15].

Koto, Hurst and Fernando are combinable because they all have aspects that are from the same field of endeavor of video processing.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Koto with the teachings of Hurst and Fernando by extracting a linear differential value and a quadratic differential value for detecting dissolve and coding the inside-dissolve-interval and the outside-dissolve-interval frames differently. The motivation would have been because during the

fading/dissolving period the mean and the variance of an image frame exhibit a linear and a quadratic behavior, respectively, as pointed out by Fernando [P.300, Sect. 3., lines 1-2]. In addition, by coding the frames differently (based on whether they are inside or outside a dissolve interval) the coding results can be improved both in terms of bit rate and video quality, as pointed out by Hurst in the last 5 lines of the abstract.

Therefore, it would have been obvious to combine Hurst and Fernando with Koto to obtain the inventions as specified in claims 2, 4 and 8.

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13. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koto (US 6,463,101) as applied to claims 1, 6, 7 and 9 above, further in view of Mutoh et al. (6,631,210).

14. Regarding claim 5, Koto discloses all limitations of its parent, claim 1.

Koto does not expressly disclose

- extracts the amount of image feature for each signal component of each of the frames constructing the moving image

However, Mutoh et al. teaches the extraction of various features from the each of the C, M, and Y components (i.e., signal components) [Fig. 19; Col. 30, lines 23-29].

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Koto and Mutoh are combinable because they have aspects that are from the same field of endeavor of feature detection/extraction.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Koto with the teaching of Mutoh by extracting image features for each of the image components. The motivation would have been to improve the accuracy of any subsequent processing as afforded by the redundancy inherent in multiple data source (i.e., different image components).

Therefore, it would have been obvious to combine Mutoh with Koto to obtain the invention as specified in claim 5.

***Allowable Subject Matter***

15. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

16. The following is a statement of reasons for the indication of allowable subject matter:



17. Regarding claim 3, the prior art of record fails to teach or suggest, alone or in combination, a moving image encoding apparatus comprising, along with other limitations:

- the control portion sets the encoding parameters so that a distance between an intra coded picture and a neighboring predictive coded picture is 2, and a distance between nearest neighboring two predictive coded pictures is also 2 when the encoding portion encodes the frames of the dissolve interval based on the amount of image feature extracted in the encoding preprocessing portion

Closest art of record Watanabe et al. (US 5,894,526) discloses setting the initial inter-frame distance between a reference frame and a predicted frame to two and subsequently adjusting this distance depending on the size of the accumulated differential. [See Fig. 5.] However, it does not set the distance to 2 whenever the frame is in a dissolve interval, regardless of the corresponding accumulated differential.

### ***Conclusion and Contact Information***

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

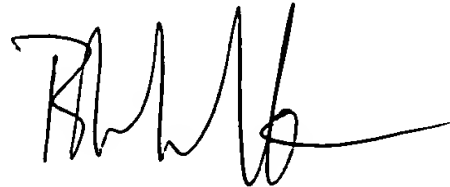
- Matsuura Yoko (JP 08-307878) – discloses a device with a scene change detection section and a GOP controller that controls the coding of frames based on the results of scene change detection

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yubin Hung whose telephone number is (703) 305-1896. The examiner can normally be reached on 7:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on (703) 308-5246. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Yubin Hung  
Patent Examiner  
January 5, 2005



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